



2643/18

PATENT
Customer No. 22,852
Attorney Docket No. 04329.2698

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Norimasa NIIYA

Application. No.: 09/993,708

Filed: November 27, 2001

FOR: KEY TELEPHONE SYSTEM,
KEY TELEPHONE, INTERFACE
UNIT, AND TRANSMISSION
SCHEME DETERMINATION
METHOD

Group Art Unit: 2643

Examiner: Quoc Duc Tran

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OCT 14 2003

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("Assignee") Kabushiki Kaisha Toshiba, duly organized under the laws of Japan and having its principal place of business at 1-1 Shibaura 1-Chome, Minato-ku, Tokyo, JAPAN, through its attorneys, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 09/993,708, filed November 27, 2001, for KEY TELEPHONE SYSTEM, KEY TELEPHONE, INTERFACE UNIT, AND TRANSMISSION SCHEME DETERMINATION METHOD, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012326, Frame 0671, and is and at all

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10/02/2003 551THIB1 00000051 09993708

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times was the only assignee of U.S. Application No. 09/758,321, filed January 12, 2001, for KEY TELEPHONE SYSTEM AND INTERFACE UNIT FOR KEY TELEPHONE, also as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 011711, Frame 0498.

To obviate a double patenting rejection, Assignee hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified U.S. Patent Application No. 09/993,708, which would extend beyond the expiration date of the U.S. patent granted on the U.S. Application No. 09/758,321 and hereby agrees that any patent so granted on the above-identified U.S. Patent Application No. 09/993,708 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the U.S. patent granted on the U.S. Application No. 09/758,321. This agreement runs with any patent granted on the above-identified U.S. Patent Application No. 09/993,708 and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the above-identified U.S. Patent Application No. 09/993,708 that would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156 and 173, of the U.S. patent granted on the U.S. Application No. 09/758,321, as shortened by any terminal disclaimer, in the event that the U.S. patent granted on the U.S. Application No. 09/758,321: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37

C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this Terminal Disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 26, 2003

By: 

David W. Hill
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